

ABOUT AGRICULTURAL WAIVERS

The California Water Code authorizes State and Regional Water Boards to conditionally waive waste discharge requirements (WDRs) if this is in the public interest. Over the years, the Regional Water Boards issued waivers for over 40 categories of discharges. Although waivers are always conditional, the historic waivers had few conditions. In general, they required that discharges not cause violations of water quality objectives, but did not require water quality monitoring. Senate Bill 390, signed into law on October 6, 1999, required the Regional Water Boards to review their existing waivers and to renew them or replace them with WDRs. Under SB 390, waivers not reissued automatically expired on January 1, 2003. To comply with SB 390, the Regional Water Boards adopted revised waivers. The most controversial waivers were those for discharges from irrigated agriculture.

Discharges from agricultural lands include irrigation return flow, flows from tile drains, and storm water runoff. These discharges can affect water quality by transporting pollutants including pesticides, sediment, nutrients, salts (including selenium and boron), pathogens, and heavy metals from cultivated fields into surface waters. Many surface water bodies are impaired because of pollutants from agricultural sources. Groundwater bodies have also suffered pesticide, nitrate and salt contamination. Statewide, approximately 9,493 miles of rivers/streams and some 513,130 acres of lakes/reservoirs are listed on the 303(d) list as being impaired by irrigated agriculture. Of these, approximately 2800 miles, or approximately 28%, have been identified as impaired by pesticides.

To control and assess the effects of these discharges, the Los Angeles, Central Coast, and Central Valley Water Boards have adopted comprehensive conditional waivers. An estimated 80,000 growers, who cultivate over 9 million acres, are subject to conditional waivers in the Central Coast, Los Angeles, and Central Valley regions. These Regional Water Boards have made significant strides to implement their waiver programs and are committed to continue their efforts to work with the agricultural community to protect and improve water quality. The number of acres and agricultural operations will increase as other Regional Water Boards adopt conditional waivers for discharges from irrigated agricultural land. Regional Water Boards 1, 2, 6, and 8 have no immediate plans to adopt waivers for agricultural discharges, but may do so eventually to implement TMDLs.

The Regional Water Boards are using proactive solutions to control agricultural discharges. One solution is a pilot project that assigns roles for implementing the waivers to County Agricultural Commissioners. A Memorandum of Understanding signed by staff from the State Water Board, the Central Valley Water Board, the Department of Pesticide Regulations and County Agricultural Commissioners describes these roles. In addition, the Los Angeles and Central Coast Water Boards have used a comprehensive public outreach and education approach. Consequently, 70 percent of their agricultural communities are participating in the program. The Colorado River Water Board is using an innovative, and apparently successful, approach in addressing sediment impairment in Imperial Valley agricultural drains. As a control mechanism, Colorado River Water Board staff has developed a “conditional prohibition”, as allowed by the basin plan. The conditional prohibition is implemented by the Colorado River Water Board’s TMDL program. A recent review of the program indicates reduction in sediment loads.

Senate Bill 923 authorizes the payment of fees for conditional waivers. On September 21, 2006, the State Water Board adopted a fee schedule that included fees for conditional agricultural waivers.

State and Regional Water Board staff and the agricultural community recognize the importance of the irrigated agricultural waiver program and are committed to work together to assess and address environmental impacts that are identified as being caused by discharges from irrigated lands.

For additional information on agricultural waivers, please contact Johnny Gonzales at (916) 341-5510 or jgonzales@waterboards.ca.gov.

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